UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:21-cv-00191-MR

HARRY SHAROD JAMES a/k/a Harry Sharod James-El,))
Plaintiff,)
vs.))) <u>ORDER</u>
CRAGGY CORRECTIONAL CENTER MAIL ROOM, et al.,))
Defendants.))

THIS MATTER is before the Court sua sponte on review of the docket in this matter.

Pro se Plaintiff Harry Sharod James ("Plaintiff") is a prisoner of the State of North Carolina currently incarcerated at Craggy Correctional Center in Asheville, North Carolina. [Doc. 1]. On July 26, 2021, Plaintiff filed this action pursuant to 42 U.S.C. § 1983 against Defendants Craggy Correctional Center Mail Room, Erik A. Hooks, and the North Carolina Department of Public Safety (NCDPS). Plaintiff failed to pay the filing fee or an application to proceed without prepayment of fees, but he did file a "Declaration for Requesting Waiver of Filing Fee" ("Declaration"). [Doc. 2]. In the Declaration, Plaintiff stated that he does "not have lawful coin of the United".

States required by law" and that the "filing fee must be waived." [Id.]. The Clerk sent Plaintiff a Notice of Deficiency, directing him to either pay the filing fee or the required application to proceed without prepayment of fees. [Doc. 4]. In response, Plaintiff filed an Application to Proceed in Forma Pauperis ("IFP Application") [Doc. 8] and a "Motion/Declaration in Opposition," [Doc. 7], in which Plaintiff argued that "the filing fee must be waived, and this Human/Civil Rights Lawsuit must be allowed to continue free of charged." [Id. at 3 (errors uncorrected)]. Plaintiff argued that, pursuant to 28 U.S.C. § 3002(15)(A), "the filing fee is an unlawful 'Judicial Tax." [Id.]. He further argued that "[a]|| Sovereign, private civilian inhabitants [of the United States] shall have free access to all Judicial Courts of the Several States." [Id. at 1].

After receiving Plaintiff's IFP Application, the Clerk ordered Plaintiff's correctional facility to provide a certified copy of Plaintiff's most recent trust fund account statement. [Doc. 9]. The NCDPS filed Plaintiff's most recent statement, which showed a balance of \$1,335.77 as of August 16, 2021 and that Plaintiff received \$3,355.15 in income over the past six months. [Doc. 13 at 5]. On August 31, 2021, the Clerk, therefore, ordered that Plaintiff pay the full filing fee of \$350.00 within 30 days. [Doc.14]. Rather than pay the fee, Plaintiff moved the Court "to not charge the complete filing fee of [his] stimulus, only a percent." [Doc. 15 at 2]. As grounds, Plaintiff stated that he

owes filing fees for other civil cases that are not paid off yet. He also stated

that he his challenging the filing fee on a civil complaint and asked the Court

in that action "to hold on charging the complete fee until [his] complaint is

finish[ed]." [Id. at 1]. The Court denied Plaintiff's motion and ordered that

Plaintiff must pay the filing fee as ordered by the Clerk. [Doc. 16].

As of this Order, Plaintiff has not complied with the Clerk's Order. The

Court will, therefore, dismiss this action without prejudice.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Complaint [Doc. 1] is

dismissed without prejudice.

IT IS FURTHER ORDERED that Plaintiff's motions [Docs. 3, 10] are

DENIED as moot.

The Clerk is instructed to terminate this action.

IT IS SO ORDERED.

Signed: October 26, 2021

Martin Reidinger

Chief United States District Judge